

S T A T E   O F   N E W   Y O R K

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8002

2015-2016 Regular Sessions

I N   A S S E M B L Y

June 3, 2015

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Introduced by M. of A. GOTTFRIED -- read once and referred to the  
Committee on Health

AN ACT to amend the public health law, in relation to the use of body  
scanners in local correctional facilities; and providing for the  
repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

- 1     Section 1. Section 3502 of the public health law is amended by adding  
2     a new subdivision 6 to read as follows:  
3     6. (A) (I) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION OR ANY OTHER  
4     PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, LICENSED PRACTI-  
5     TIONERS, PERSONS LICENSED UNDER THIS ARTICLE AND UNLICENSED PERSONNEL  
6     EMPLOYED AT A LOCAL CORRECTIONAL FACILITY MAY UTILIZE BODY IMAGING SCAN-  
7     NING EQUIPMENT FOR PURPOSES OF SCREENING PERSONS COMMITTED TO SUCH  
8     FACILITY, IN CONNECTION WITH THE IMPLEMENTATION OF SUCH FACILITY'S SECU-  
9     RITY PROGRAM.  
10    (II) SUCH UTILIZATION SHALL BE IN ACCORDANCE WITH A PLAN OR PROTOCOL  
11    APPROVED BY THE DEPARTMENT, OR IN CITIES OF A POPULATION OF TWO MILLION  
12    OR MORE, IT SHALL BE IN ACCORDANCE WITH A PLAN OR PROTOCOL APPROVED BY  
13    THE LOCAL HEALTH DEPARTMENT.  
14    (B) PRIOR TO ESTABLISHING, MAINTAINING OR OPERATING IN A LOCAL CORREC-  
15    TIONAL FACILITY ANY BODY IMAGING SCANNING EQUIPMENT, THE CHIEF ADMINIS-  
16    TRATIVE OFFICER OF THE FACILITY SHALL ENSURE THAT SUCH FACILITY IS IN  
17    COMPLIANCE WITH OTHERWISE APPLICABLE REQUIREMENTS CONSISTENT WITH THIS  
18    SUBDIVISION FOR THE REGISTRATION, MAINTENANCE, OPERATION AND INSPECTION  
19    OF INSTALLATION WITH RADIATION EQUIPMENT.  
20    (C) (I) PRIOR TO OPERATING BODY IMAGING SCANNING EQUIPMENT, UNLICENSED  
21    PERSONNEL EMPLOYED AT LOCAL CORRECTIONAL FACILITIES SHALL HAVE SUCCESS-  
22    FULLY COMPLETED A TRAINING COURSE APPROVED BY THE DEPARTMENT, OR IN  
23    CITIES OF TWO MILLION OR MORE, APPROVED BY THE LOCAL HEALTH DEPARTMENT.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 (II) NO PERSON WHO OPERATES OR WHO IS SCANNED BY THE BODY IMAGING  
2 SCANNING EQUIPMENT SHALL BE EXPOSED TO MORE THAN FIFTY PER CENT OF THE  
3 ANNUAL EXPOSURE LIMITS FOR MANMADE RADIATION AS SPECIFIED BY APPLICABLE  
4 REGULATIONS.

5 (D) FOR THE PURPOSE OF THIS SUBDIVISION, "BODY IMAGING SCANNING EQUIP-  
6 MENT" OR "EQUIPMENT" MEANS EQUIPMENT THAT UTILIZES A LOW DOSE OF IONIZ-  
7 ING RADIATION TO PRODUCE AN ANATOMICAL IMAGE CAPABLE OF DETECTING  
8 OBJECTS PLACED ON, ATTACHED TO OR SECRETED WITHIN A PERSON'S BODY.

9 (E) FOR THE PURPOSES OF THIS SUBDIVISION, "LOCAL CORRECTIONAL FACILI-  
10 TY" SHALL HAVE THE SAME MEANING AS FOUND IN SUBDIVISION SIXTEEN OF  
11 SECTION TWO OF THE CORRECTION LAW.

12 (F) ANY LOCAL GOVERNMENT AGENCY THAT UTILIZES BODY IMAGING SCANNING  
13 EQUIPMENT IN ANY LOCAL CORRECTIONAL FACILITY UNDER ITS JURISDICTION  
14 SHALL SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT, THE SPEAKER OF THE  
15 ASSEMBLY, AND THE TEMPORARY PRESIDENT OF THE SENATE. SUCH REPORT SHALL  
16 BE SUBMITTED WITHIN EIGHTEEN MONTHS AFTER THE INITIAL DATE OF REGISTRA-  
17 TION AND ANNUALLY THEREAFTER AND SHALL CONTAIN THE FOLLOWING INFORMATION  
18 AS TO EACH SUCH FACILITY:

19 (I) THE NUMBER OF TIMES THE EQUIPMENT WAS USED ON INMATES UPON INTAKE,  
20 AFTER VISITS, AND UPON THE SUSPICION OF CONTRABAND, AS WELL AS ANY OTHER  
21 EVENT THAT TRIGGERS THE USE OF SUCH EQUIPMENT;

22 (II) THE AVERAGE, MEDIAN, AND HIGHEST NUMBER OF TIMES THE EQUIPMENT  
23 WAS USED ON ANY INDIVIDUAL;

24 (III) THE NUMBER OF TIMES THE USE OF THE EQUIPMENT DETECTED DRUG  
25 CONTRABAND, WEAPON CONTRABAND, AND ANY OTHER CATEGORY OF CONTRABAND;

26 (IV) INCIDENTS OTHERWISE REPORTABLE BY THE LOCAL CORRECTIONAL FACILITY  
27 RELATED TO, OR INJURIES RESULTING FROM, THE USE OF EQUIPMENT; AND

28 (V) ANY OTHER INFORMATION THE DEPARTMENT MAY REASONABLY REQUIRE.

29 S 2. This act shall take effect immediately and shall expire and be  
30 deemed repealed five years after such date.